

DOCKET NO.: MSFT-0975 / 191722.1
Application No.: 09/099,742
Office Action Dated: August 8, 2003

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS/ARGUMENTS

Claims 1-8, 10-20, 23-26 and 32 were rejected. Claims 9, 21 and 22 were objected to.

Claims 27-30 and 33 were allowed. Claims 9, 11 and 21 were canceled by this amendment.

Attorney Docket Number

Applicants' representative note that the attorney docket number has been changed. Recent office actions do not indicate the proper docket number. The docket number should be "MSFT-0975." Please use that number for all future correspondences.

Claim Rejections - 35 USC §103

Claims 1-3, 4-6, 13-15, and 16-18, stand rejected under 35 U.S. C. 103(a) as being unpatentable over Franaszek et al (US Patent No.5,729,228), hereinafter Franaszek in view of Bigham (US Patent No.5,544,161), and further in view of Rostoker et al (US Patent No. 5,872,784), hereinafter, Rostoker, and Auld (US Patent No. 5,686,965).

Applicants' representative has amended the independent claims and submit that the claims as amended patentably define over the art of record for the reasons set forth below.

As an initial matter, Applicants note that the examiner relied on four references to make the obviousness rejection. While the number of references alone may not be grounds for overcoming the rejection, it does warrant carefully consideration of the combinations to insure that there is proper motivation to combine the references and to insure that the examiner has not engaged in using the claim as a template to pick and choose elements from the prior art.

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Independent claims 1, 3, 13, and 15 have been amended to recite that the packets are distributed in order to the various decoders. Applicants' representative submits that the references fail to teach at least distributing the packets to the decoders in order. As such, claims 1, 3, 13 and 15 patentably define over the art of record. In as much as claims 2, 4-6, 14 and 16-18 depend from claims 1, 3, 13 and 15, applicants' representative submits that they also define over the art of record.

Claims 7-8, 10-12, 19-20, 23-26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Franaszek et al** (US Patent No.5,729,228), hereinafter Franaszek in view of **Bigham** (US Patent No. 5,544,161), and further in view of **Rostoker et al** (US Patent No. 5,872,784), hereinafter, **Auld** (US Patent No. 5,686,965) Rostoker and **Schwartz et al** (US Patent No. 5,717,394), hereinafter Schwartz.

Again, applicants' representative notes that the examiner relied on an inordinate number of references to purported find that the invention was unpatentable.

Applicants' representative submits that claims 7-8, 10, 19-20, 23-26 and 32 depend from claims 1, 3, 13, and 15 and as such patentably define over the cited references for the reasons set forth above.

With respect to claim 12, applicants' representative has rewritten claim 12 in independent form. Applicants' representative submits that claim 12 patentably defines over the cited references. In the rejection, the examiner indicated:

Regarding claims 11-12 and 24-25, Franaszek in view of Bigham, Rostoker and Auld do not disclose expressly header information including tag; and distribution of packets to separate decode units on the basis of tag.

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The examiner purported to find the distribution of packets based on a tag as follows:
Schwartz discloses, in reference to fig. 3, a preface header containing pointers (tag) to the beginning of bit location of each bit stream, refer to col. 8, lines 21-22; and retrieval of packets from the proper location via proper pointer (tag), refer to col. 8, lines 29-31.

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Applicants' representative submits that even when all of the references are combined, the claimed invention is not taught. The fact that Schwartz teaches pointers (as suggested by the examiner) does lead to the conclusion that it teaches the use of tags for the distribution of packets. That claimed element is simply absent from all of the references cited by the examiner, and is absent from Sschwartz in particular. Hence, applicants' representative submits that the examiner has failed to establish a prima facie case of obviousness of claim 12 for at least the reason described.

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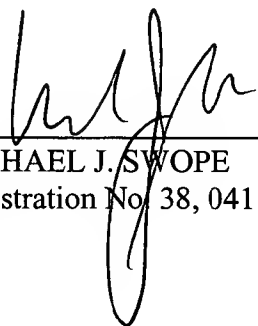
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CONCLUSION

Applicants' representative submits that claims 1-8, 10, 12-20, 22-30, 32 and 33 are in condition for allowance.

Date: OCTOBER 23, 2003

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439



MICHAEL J. SWOPE
Registration No. 38,041